

Membership Balance Plan
United States Military Academy Board of Visitors

Agency: Department of Defense (DoD)

- 1. Authority:** The Secretary of Defense, pursuant to 10 U.S.C. § 4355, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a) (required by statute), established the United States Military Academy Board of Visitors (hereinafter referred to as “the Board”).
- 2. Mission/Function:** The Board shall provide independent advice and recommendations to the President of the United States on matters relating to the United States Military Academy, including morale and discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider. The Board shall visit the United States Military Academy annually. Any other official visits made by the Board or its members to the Academy, other than the annual visit, shall be made in compliance with the requirements set forth in 10 U.S.C. § 4355(d).
- 3. Points of View:** Pursuant to the provisions of 10 U.S.C. § 4355, the Board is constituted annually and it shall be composed of 15 members. The members shall be chosen by the individuals listed and in the manner discussed in paragraph five below.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Board, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest.

4. Other Balance Factors: N/A

- 5. Candidate Identification Process:** The Board, under the provisions of 10 U.S.C. § 4355, shall be composed of the following individuals:
 - a. The Chairperson of the Senate Committee on Armed Services, or designee;
 - b. Three other members of the Senate designated by the Vice President or President pro tempore of the Senate, two of whom are members of the Senate Committee on Appropriations;
 - c. The Chairperson of the House Committee on Armed Services, or designee;
 - d. Four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the House Committee on Appropriations; and
 - e. Six persons designated by the President.

Board members designated by the President shall serve for three years, except that any member whose term of office has expired shall continue to serve until a successor is appointed. In addition, the President shall designate persons each year to succeed the members whose terms expire that year.

If a member of the Board dies or resigns as a member of the Board, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

Those members of the Board who are full-time or permanent part-time Federal officers or employees shall be appointed as regular government employees or *ex officios*. Those members of

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the Board who are not full-time or permanent part-time Federal officers or employees shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and shall serve as special government employees. Upon approval by the Secretary of the Army, the Board, pursuant to 10 U.S.C § 9355 (g), may call in advisers for consultation. These advisers shall be appointed according to 5 U.S.C. § 3109, shall serve as special government employees.

Following the appointments, candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements, stipulated by the Office of Government Ethics for advisory committee members.

- 6. Subcommittee Balance:** The Department, when necessary, and consistent with the Board's mission and DoD policies/procedures, may establish subcommittees, task groups, or working groups to support the Board.

Subcommittee members shall be appointed by the Secretary of Defense according to governing DoD policies/procedures, even if the members in question are already Board members. Subcommittee members who are full-time or permanent part-time Federal officers or employees shall be appointed as regular government employees or *ex officios*. Subcommittee members who are not full-time or permanent part-time Federal officers or employees shall be appointed to serve as experts and consultant under the authority of 5 U.S.C. § 3109 and shall serve as special government employees. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the Subcommittee of one to four years; however, no member shall serve more than two consecutive terms of service on the Subcommittee unless otherwise authorized by the Secretary of Defense. All Subcommittee member appointments must be renewed on an annual basis.

- 7. Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.

- 8. Prepared:** November 16, 2012